

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

OSAMA JAMAL ABDELKHALEQ and  
LIMNA CHAVEZ,

Plaintiff,

vs.

DEPARTMENT OF HUMAN SERVICES,

Defendant.

No. CIV-11-255-JHP

**ORDER**

This matter comes before the Court on Defendant's Department of Human Services' FED. R. Civ. P. 12(b)(6) Motion to Dismiss Plaintiffs' Complaint. (Dkt.# 14). Plaintiffs have not filed a Response to said motion.

In order to survive a motion to dismiss for failure to state a claim upon which relief can be granted, factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true even if doubtful in fact. *Bell Atlantic Corp. V. Twombly*, 127 S.Ct. 1955, 1964-65 (2007). Yet the Court need not accept as true legal conclusions from the complaint or "'naked assertion[s]' devoid of 'further factual enhancement.'" *Ashcroft v. Iqbal*, \_\_\_\_ U.S. \_\_\_\_, 129 S.Ct. 1937 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. at 557). The Court, after careful review of the pleadings, and based upon the reasons as more fully set forth in Defendant's Motion to Dismiss Plaintiffs' Complaint (Dkt. # 14), finds that Plaintiffs have failed to meet this standard and Defendant's Motion to Dismiss is GRANTED.

**IT IS SO ORDERED** this 17th day of January, 2012.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma